

jc674 U.S. PTO
12/16/99

REQUEST FORM FOR APPLICATION UNDER 37 CFR 1.53(b)

jc678 U.S. PTO
09/464767
12/16/99

DOCKET NUMBER: 50179-073

Prior Application:

Art Unit: 1632
Examiner: S. Priebe

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a Request for filing a Continuation-in-Part application under 37 CFR 1.53(b) of pending prior application Serial No. 08/776,274, filed on January 24, 1997, entitled DNA ENCODING OVINE ADENOVIRUS (OAV287) AND ITS USE AS A VIRAL VECTOR, by the following named inventor(s): SUDHANSU VRATI, GERALD WAYNE BOTH, DAVID BERNARD BOYLE.

1. I hereby state that the enclosed copy of this prior application is a true copy of the above-identified prior application.
2. Oath or Declaration
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
 - i. Deletion of inventor(s)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
3. Incorporation By Reference (useable if Box 2b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 2b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
4. Preliminary Amendment is enclosed.
5. An Information Disclosure Statement and PTO1449 Form are submitted herewith.
6. Cancel claims .

7. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 and 3 above:

| | NO. OF CLAIMS | | EXTRA CLAIMS | RATE | AMOUNT |
|---|---------------|-----|--------------|-----------|-------------------|
| Total Claims | 24 | -20 | 4 | \$18.00 = | \$72.00 |
| Independent Claims | 6 | -3 | 3 | \$78.00 = | \$234.00 |
| Basic Application Fee | | | | | \$760.00 |
| If multiple dependent claims are presented, add \$0.00 | | | | | \$0.00 |
| Total Application Fee | | | | | \$760.00 |
| Subtract 1/2 if small entity | | | | | \$0.00 |
| TOTAL APPLICATION FEE DUE | | | | | \$760.00 |
| AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT NO. 500417 | | | | | \$1,066.00 |

7a. Enclosed is a Verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.

7b. A verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27 was filed in prior application and such status is still proper and desired.

8a. **PLEASE CHARGE DEPOSIT ACCOUNT 500417 in the amount of \$760.00**

8b. The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, including any extension of time fees to maintain the pendency of the parent application Serial No. 08/776,274 or credit any overpayment to Deposit Account No. 500417.

9. Amend the specification by inserting before the first line the sentence:
 -- This application is a Continuation-in-Part of Serial No. 08/776,274, filed January 24, 1997 as the National Phase of PCT Application No. PCT/AU95/00453, filed July 26, 1995 and claiming priority to Australian Application No. PM7101, filed July 26, 1994.--

10. Priority of Application Serial No. PCT/AU95/00453, filed July 26, 1995 and Australian Application No. PM7101, filed July 26, 1994 are claimed under 35 USC 119. The certified priority document(s) were filed in Serial No. 08/776,274 on July 26, 1994.

11. The prior application is assigned of record to

Commonwealth Scientific and Industrial Research Organisation
 Parkville, Victoria, Australia

12. The power of attorney in the prior application is to:

McDermott, Will & Emery

13. Also enclosed:

32 pages of Drawings

DOCKET NUMBER: 501

14. A petition, fee and response has been filed to extend the term in the pending prior application until .

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

Respectfully submitted,

MCDERMOTT, WILL & EMERY

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